

REMARKS

By this Amendment, Applicant amends claim 8 and 10, and cancels claim 9 without prejudice or disclaimer of the subject matter thereof. Claims 8 and 10 are now pending in this application.

At the outset, Applicant notes that the Examiner has not returned an initialed copy of the IDS Form PTO/SB/08 included with the Information Disclosure Statement of December 7, 2005. Accordingly, Applicant requests that the Examiner return an initialed copy of the IDS Form with the next Office communication.

In the Office Action,¹ the Examiner rejected claims 8 and 10 under 35 U.S.C. § 102(e) as being anticipated by Takahashi (U.S. Patent No. 6,073,856); and rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Miyake (U.S. Patent No. 6,029,982). Applicant respectfully traverses the rejections for at least the follow reasons.

Claim 8, as amended, recites a data processing apparatus including, among other things, “an antenna provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing.” In the Office Action, the Examiner admits Takahashi does not disclose that “the antenna is provided in an eject lever to be operated to eject the IC card.” See Office Action, page 3. Accordingly, since Takahashi does not teach all of the elements of claim 8, the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

reference cannot anticipate the claim. Therefore, the Examiner should withdraw the rejection of claim 8 under 35 U.S.C. § 102(e).

Moreover, a combination of Takahashi and Miyake also does not disclose or suggest claim 8 because Miyake does not compensate for the deficiencies of Takahashi. With regard to Miyake, the Examiner cites to Figures 15, 16, and col. 11, line 57 to col. 2, line 60 of Miyake. These portions of Miyake disclose inserting a mini card 1 into an adapter card 2. For example, mini card 1 is inserted into adapter card “so that the mini card 1 can be handled in ... [a] similar manner as ... [a] conventional magnetic card.” See col. 11, lines 60-65. Miyake also discloses that mini card 1 may be inserted into cellular telephone 3. See, for example, Figure 1. However, inserting a mini card into an adapter card or into a cellular telephone does not teach or suggest “an antenna provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing,” as recited in claim 8.

In further contrast, according to Miyake, cellular telephone 3 includes an antenna for transmitting and receiving communications signals. See, for example, Figure 1. Cellular telephone 3, however, does not include an eject lever, let alone an eject lever that includes an antenna. Rather, Miyake merely teaches a traditional cellular telephone antenna. Thus, Miyake is silent as to Applicant’s claimed “antenna provided in an eject lever that ejects the IC card from the card slot, wherein the eject lever is exposed on the outside of the casing,” as recited in claim 8. Accordingly, for at least these reasons, Miyake does not compensate for the deficiencies of Takahashi.

Since the applied references, individually or in combination, fail to disclose or suggest all of the elements of claim 8, Applicant respectfully requests that the Examiner allow the claim.

Claim 10, while of a different scope from claim 8, includes recitations similar to claim 8. Accordingly, claim 10 is also neither disclosed nor suggested by the applied references, individually or in combination. Therefore, Applicant respectfully requests that the Examiner also allow claim 10 for at least the above reasons.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 8, 2006

By: Anthony Khachaturian Reg. No. 53,232
for Richard V. Burgujian
Reg. No. 31,744